

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

TIMOTHY BEALS,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-16-1182-C
)	
KYLE FIELDS, et al.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Bernard M. Jones, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Jones entered a Report and Recommendation on December 23, 2016, to which Petitioner has timely objected. On January 27, 2016, Plaintiff was granted until February 17, 2017, to supplement his Objection, but no supplement has been received as of this date. The Court therefore considers the matter de novo.

Plaintiff's Objection seeks to avoid the bar of Heck v. Humphrey, 512 U.S. 477 (1994), alleging his attempts to involve this Court in abating ongoing constitutional violations should excuse the bar. Plaintiff has cited no authority for this proposition and the Court knows of none. The recommendations of Judge Jones reflect no dispute on relevant facts and are supported by governing law.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, Plaintiff's federal claims are dismissed sua sponte for failure to state a claim upon which relief may be granted. This

dismissal count as a prior-occasion “strike” under 28 U.S.C. § 1915(g). The Court declines to exercise pendent jurisdiction over Plaintiff’s state law claim of slander against Mr. Fields. A judgment will enter accordingly.

IT IS SO ORDERED this 28th day of February, 2017.


ROBIN J. CAUTHRON
United States District Judge